

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AILEEN CENTENO :
: CIVIL ACTION
:
v. :
: No. 08-5509
RHODA WINSTEAD, et al., :
:

ORDER

AND NOW, this 23rd day of December, 2009, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, IT IS ORDERED that:

1. The Report and Recommendation (Doc. 13) is APPROVED AND ADOPTED;
2. The petition for a writ of habeas corpus (Doc. 1) is DISMISSED AS UNTIMELY FILED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ Michael M. Bayson
Michael M. Bayson, U.S.D.J.